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47973 7590 08/12/2010

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SALT LAKE CITY, UT 84111

EXAMINER

ANDERSON, JOHN A

ART UNIT

PAPER NUMBER

3694

DATE MAILED: 08/12/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,654

03/29/2004

Grzegorz Guzik

13768.1360

2418

TITLE OF INVENTION: KEY PERFORMANCE INDICATOR SYSTEM AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/12/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,654 03/29/2004 Grzegorz Guzik 13768.1360 2418

TITLE OF INVENTION: KEY PERFORMANCE INDICATOR SYSTEM AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1510 \$300 \$0 \$1810 11/12/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
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ANDERSON, JOHN A 3694 705-035000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 824 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 824 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/811,654	GUZIK ET AL.	
	Examiner	Art Unit	
	JOHN A. ANDERSON	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/11/2010.
2. ☒ The allowed claim(s) is/are 1,2,4-11,14-22 and 31-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>07/02/2004</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|---|

/Ella Colbert/
Primary Examiner, Art Unit 3694

DETAILED ACTION

1. This communication is in response to the applicant's amendment filed on 05/11/2010.

Status of Claims

2. Claims 3,12-23,23-30 have been cancelled, claims 1 and 14 have been amended. Claims 1-2,4-11,14-22,31-36 are pending .

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative , Jens C Jenkins (Reg. No: 44803) on July 02,2010.

The application has been amended as follows:

IN THE CLAIMS

Please amend the claims as indicated below. The following is a complete listing of claims and replaces all prior versions and listings of claims in the present application:

4. Claim 1 (Currently Amended) A key performance indicator (KPI) system implemented by computer , having a processor, comprising :
 - a client device user interface component;
 - a processor component that receives KPI identification information from the interface component for one or more KPIs and generates a KPI document, wherein the KPI document identifies the one or more KPIs to be retrieved based upon the KPI identification information received from the interface component and information identifying how to retrieve each of the one or more KPIs, the KPI document including text and graphical display parameters for each of the one or more KPIs and which correspond to a value, a goal, a status, a trend and a weight for each of the one or more KPIs; and
 - a query component that employs the KPI document to retrieve KPI information from one or more data stores, generate a result document, and transfer the result document back to the interface component, the result document specifying presentation data regarding KPI graphics and values to be used by [[a]]the user interface component in displaying the corresponding value, goal, status, trend and weight for each of the one or more KPIs in a user interface,
 - the user interface component using the result document to generate a user

Art Unit: 3694

interface display ,that separately displays each of the one or more KPIs along with a simultaneous representation of the text and graphical display parameters, including at least the value, the goal, the status, the trend and the weight of each of the corresponding one or more KPIs[.].

wherein the processor component, query component and user interface component are executed by processor.

5. Claim 2 (Previously Presented) The system of claim 1, wherein the KPI document comprises database name, connection string, and KPI name for each KPI.
6. Claim 3 (Cancelled).
7. Claim 4 (Previously Presented) The system of claim 1, wherein the KPI retrieval Information includes a filter component specifying a subset of data to be utilized to generate a KPI metric.
8. Claim 5 (Previously Presented) The system of claim 1, wherein the KPI document is encoded as an XML document.
9. Claim 6 (Original) The system of claim 1, wherein the result document includes KPI values and information regarding KPI graphics.

10. Claim 7 (Original) The system of claim 6, wherein the result document is an XML document.
11. Claim 8 (Original) The system of claim 1, wherein the processor component is executed by a computer or server remotely located from the client device.
12. Claim 9 (Original) The system of claim 8, wherein the client device is one of a mobile phone and a personal digital assistant.
13. Claim 10 (Original) The system of claim 1, wherein the data store is a relational database.
14. Claim 11 (Previously Presented) The system of claim 1, wherein the data store is a multidimensional OLAP database.
15. Claim 12-13 (Cancelled).
16. Claim 14 (Currently Amended) A method implemented by a computer having a processor for retrieving key performance indicators (KPIs) comprising:
The computer receiving data from a client device specifying KPIs of interest;

The computer generating a KPI document from the received data, wherein the KPI document defines for each KPI: a KPI name, one or more query expressions for retrieving the KPI, a database to query, and display definition for the KPI, the display definition including text and graphical display parameters which correspond to a value, a goal, a status, a trend and a weight for the KPI;

The computer querying one or more data stores utilizing data provided in the KPI document; and the computer generating a result document from the query results, the results document specifying presentation data regarding KPI graphics and values to be used by a user interface component in displaying the corresponding value, goal, status, trend and weight for each of the KPIs of interest,

the user interface component using the result document to generate a user interface display that separately displays each of the one or more of the KPIs of interest along with a simultaneous representation of the text and graphical display parameters, including at least the value, the goal, the status, the trend and the weight of each of the corresponding displayed one or more KPIs.

17. Claim 15 (Previously Presented) The method of claim 14, further comprising retrieving query expressions from a data store and utilizing the query expressions to query the data store for one or more KPIs.
18. Claim 16 (Original) the method of claim 14, wherein the KPI document

comprises a list of KPIs in an XML format.

19. Claim 17 (Original) The method of claim 14, wherein the KPI document comprises data concerning data store connections and KPI retrieval information.
20. Claim 18 (Original) The method of claim 14, wherein the KPI document is generated by a component remote from the client device.
21. Claim 19 (Original) The method of claim 18, wherein the component that generates the KPI component is executed by a server.
22. Claim 20. (Original) The method of claim 14, wherein the result document comprises KPI values specified in an XML format.
23. Claim 21 (Original) The method of claim 14, further comprising transferring the result document to the client device.
24. Claim 22 (Previously Presented) A computer readable storage medium having stored thereon computer executable instructions which, when executed by a processor of a computing system, implement a method comprising:
receiving data from a client device specifying KPIs of interest; generating a KPI document from the received data, wherein the KPI document defines for each

KPI: a KPI name, one or more query expressions for retrieving the KPI, a database to query, and display definition for the KPI, the display definition including text and graphical display parameters which correspond to a value, a goal, a status, a trend and a weight for the KPI;
querying one or more data stores utilizing data provided in the KPI document;
and generating a result document from the query results, the results document specifying presentation data regarding KPI graphics and values to be used by a user interface component in displaying the corresponding value, goal, status, trend and weight for each of the KPIs of interest,
the user interface component using the result document to generate a user interface display that separately displays each of the one or more of the KPIs of interest along with a simultaneous representation of the text and graphical display parameters, including at least the value, the goal, the status, the trend and the weight of each of the corresponding displayed one or more KPIs.

25. Claims 23-30 (Cancelled).
26. Claim 31 (Previously Presented) The method of claim 14, wherein the status of at least one KPI is represented as a gauge on which hands on the gauge move relative to markers on the gauge.
27. Claim 32 (Previously Presented) The method of claim 14, wherein the status of

at least one KPI is represented as a status bar.

28. Claim 33 (Previously Presented) The method of claim 14, wherein the status of at least one KPI is represented as a stop light on which green signifies that the goal has been accomplished, and on which yellow and red signify that the goal has not been accomplished.
29. Claim 34 (New) The method of claim 14, wherein the user interface component displays rows and columns in which each of the one or more KPIs of interest correspond with at least one row, and in which the simultaneous representation of the text and graphical display parameters comprise a plurality of columns corresponding to the value, the goal, the status, the trend and the weight.
30. Claim 35 (New) The method of claim 14, wherein the KPI document includes a plurality of entries including at least one folder entry comprising a caption naming the folder, and at least one KPI entry corresponding to the folder and including the KPI name, and wherein the result document includes a plurality of entries including at least entries corresponding to the folder entry and the KPI entry.
31. Claim 36 (New) The method of claim 35, wherein the user interface component displays rows and columns in which a first row corresponds the folder entry, the first row displaying the caption, and in which a second row corresponds to the

KPI entry, the second row immediately below the first row and displaying the KPI name along with the simultaneous representation of the text and graphical display parameters as a plurality of columns corresponding to the value, the goal, the status, the trend and the weight.

Allowable Subject Matter

32. Claims 1-2, 4-11, 14-22 and 31-36 are allowed.

Examiner's statement of Reasons for Allowance

33. The following is an examiner's statement of reasons for allowance:

Even though the prior art teaches a system and method for monitoring key performance indicators in a business networked environment, the prior art of record, (US 2002/0099579 Stowell et al, US 2003/0110249 Buus et al , US 7,076,763 DeGroote et al and US 20030154144 Pokorny et al) fails to teach the user interface component using the result document to generate a user interface display that separately displays each of the one or more KPIs along with a simultaneous representation of the text and graphical display parameters, including at least the value, the goal, the status, the trend and the weight of each of the corresponding one or more KPIs.

For this reason claims 1,14 and 22 are deemed allowable over the prior art of record and claims 2, 4-11, 13-21 , 31-36 are allowed by dependency.

Art Unit: 3694

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN A. ANDERSON whose telephone number is (571)270-3327. The examiner can normally be reached on Monday through Friday 8:00 to 5:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3694

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John A Anderson/

John A Anderson

Examiner, Art Unit 3694

Examiner

Art Unit 3694

/J. A. A./

Examiner, Art Unit 3694

/Ella Colbert/

Primary Examiner, Art Unit 3694